

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

C.A. NO. 05-10489-MEL

GLENN S. BATES,

Plaintiff

v.

TOWN OF HARWICH AND HARWICH  
POLICE DEPARTMENT, CHRISTOPHER  
KENDER, AND BARRY MITCHELL,

Defendants

PARTIAL STIPULATION OF  
DISMISSAL WITH PREJUDICE

Now come the parties to the above-captioned action, pursuant to Fed.R.Civ.P. 41(a)(1)(ii) and hereby stipulate and agree that Count I of the Amended Complaint, as against defendants Christopher Kender and Barry Mitchell only, be dismissed with prejudice, without cost, interest or fees to any party, waiving all rights of appeal.

PLAINTIFF,

By his attorney,

/s/\_\_\_\_\_  
Timothy J. Perry (BBO # 631397)  
Preti, Flaherty, LLP  
10 High Street, Suite 502  
Boston, MA 02109  
(617) 742-9012

DEFENDANTS TOWN OF HARWICH  
and HARWICH POLICE DEPARTMENT,

By their attorney,

/s/\_\_\_\_\_  
Charles D. Mulcahy (BBO # 359360)  
Wynn & Wynn, P.C.  
90 New State Highway  
Raynham, MA 02767  
(508) 823-4567

DEFENDANTS CHRISTOPHER KENDER  
AND BARRY MITCHELL,

By their attorneys,

/s/\_\_\_\_\_  
Joseph L. Tehan, Jr. (BBO # 494020)  
Jackie Cowin (BBO # 655880)  
Kopelman and Paige, P.C.  
31 St. James Avenue  
Boston, MA 02116  
(617) 556-0007